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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,570	10/09/2003	Barry Smith Fagg	00568-293036	8448

7590

06/19/2006

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EXAMINER

LOPEZ, CARLOS N

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/682,570	Applicant(s) FAGG ET AL.	
	Examiner Carlos Lopez	Art Unit 1731	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 IDS's</u> . | 6) ☐ Other: ____. |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because undue length exceeding more than 150 words. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. In the instant case the claimed invention is only drawn to an apparatus for the manufacturing cigarettes excluding methods as noted in the title.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1) Claims 14-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the wrapping amterial" of step vi does not particular point out and distinctly notes to which "wrapping material" it is referring to. Is it the wrapping material having the additive material?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 1-3, 5-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siems et al (US 5,060,664) in view of Frank (US 4,291,713). Siems discloses an apparatus for making cigarette rods. Siems' cigarette making apparatus comprises an adhesive applicator 19, which is deemed as the claimed means for applying an additive material, and a source of continuous paper web from paper reel 18. As for the claimed means for winding the paper web onto a roll is deemed as the guide rolls stream of applicator 19 that are capable of winding the paper (See figure 1).

Siems is silent heating the paper web. However, Frank teaches that the art heats the adhesive provided on the paper web to promote the setting of the adhesive to insure that the wrapped tobacco rod does not burst when the wrapped tobacco rod is transported for further processing (See Col. 1, lines 50ff and Col. 2, lines 28ff) and by providing a controlled heating it would not char or discolor the paper wrapper of the cigarette (Col. 9, lines 10ff). Frank discloses of controllably heating the paper web having the adhesive coated thereon by controlling the distance of the heating elements 26 and 27 and by providing a first low temperature heat treatment followed by a high temperature heat treatment (See Col. 4, lines 61ff, and Col. 9, lines 10ff). Frank teaches in Col. 5, lines 49ff, that the heating elements 26 and 27 do not necessarily contact the paper wrapper but instead are at a sufficient distance to cause heating. Thus showing that the heating elements may heat the paper web through radiant energy. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have provided controlled heating means as taught by Frank in Siems' cigarette

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apparatus in order to assure that the tobacco rod's seal provided by the adhesive on the paper wrapper does not break open when the wrapped tobacco rod is transported for further processing and would not char or discolor the paper wrapper of the cigarette.

As for claim 2, and 12, the claimed predetermined pattern, is deemed as the pattern of the roller applicator 19.

As for claim 5, and 11, the bobbing 18 is capable of holding the claimed paper roll with the expected width since the width of the paper reel is the diameter of the cigarette eventually formed and the total length of the paper wound on the paper reel would be sufficient to provide paper to the cigarette machine without periodic changes to the paper reel.

As for claim 6 and 13, the applied adhesives would be expected to be place at the middle of the paper wherein it will eventually be the wrapper of a cigarette in order to avoid the adhesive from flowing out.

3) Claims 4 and 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siems et al (US 5,060,664), in view of Frank (US 4,291,713) as applied to claim 1 above and in view of Collins et al (US 5,200,020). Siems and Frank is silent using microwave unit to provide for the heating of Frank. However, Collins discloses using hot air, microwaves or other forms of heating to set the adhesive being placed on a cigarette paper wrapper (Col. 4, lines 30ff). Hence, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use other forms of heating such as microwave heating as taught by Collins in order to set the adhesive provided on the cigarette wrapper of Siems. As shown by Collins, using microwaves to

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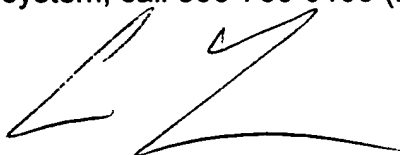
set the adhesive is an alternative means, obvious to one of ordinary skill in the art, to heat the paper wrapper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is 571.272.1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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